

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: CERTIFICATION OF RURAL AND NON- RURAL TELECOMMUNICATION CARRIERS	DOCKET NO. RMU-01-14
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ORDER COMMENCING RULE MAKING

(Issued December 12, 2001)

Pursuant to the authority of Iowa Code §§ 17A.4, 476.102, and 47 U.S.C. § 254(e) and (f), the Utilities Board (Board) proposes to adopt the rule attached hereto and incorporated by reference. This rule adds a new section to 199 IAC chapter 22.2 to reflect the certification process for rural and non-rural carriers who wish to receive federal high-cost universal service support.

IT IS THEREFORE ORDERED:

1. A rule making proceeding, identified as Docket No. RMU-01-14, is commenced for purposes of receiving comments upon the proposed rules attached to this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin, a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

Dated at Des Moines, Iowa, this 12th day of December, 2001.

UTILITIES DIVISION [199]

Notice of Intended Action

Pursuant to Iowa Code sections 17A.4 and 476.102, and 47 U.S.C. § 254 (e) and (f), the Utilities Board (Board) gives notice that on December 12, 2001, the Board issued an order in Docket No. RMU-01-14, In re: Certification of Rural and Non-Rural Telecommunication Carriers, "Order Commencing Rule Making," to receive public comment on a new proposed rule containing the certification requirements for carriers wishing to receive federal high-cost universal service support pursuant to 47 C.F.R. §§ 54.301, 54.305, 54.307, and part 36, subpart F, of the Federal Communications Commission's (FCC) regulations.

The FCC recently modified its rules for providing high-cost universal service support to rural telephone companies for the next five years. See "Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256," In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-45, and Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, CC Docket No. 96-256 (May 23, 2001). The FCC now requires each state public utility regulatory authority file an annual certification with the FCC to ensure that rural telecommunication carriers receiving federal funds under this program use that

support “only for the provision, maintenance and upgrading of facilities and service for which the support is intended,” as required by § 254(e). The state certification must be filed no later than October 1 of each year if the certified carriers are to receive support for the following year. See 47 C.F.R. § 54.314(d) (2001).

In response to these modifications, the Board issued an order on August 13, 2001, in Docket No. USP-01-1, which established the procedures by which the Board intended to fulfill the federal mandate by the October 1st deadline. The order required any carrier wanting to continue to receive federal high-cost universal service support to file an original and two copies of an affidavit with the Board (with another copy to the Consumer Advocate Division of the Department of Justice). Each affidavit was to be titled "Certification of [Company Name]" (the company name must be the same name shown on the carrier's tariff as filed with the Board). The affidavit was to be sworn and notarized, executed by an authorized corporate officer, and certified that the carrier will use the support it receives pursuant to 47 C.F.R. §§ 54.301, 54.305, 54.307, and part 36, subpart F, of the FCC's regulations only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. All affidavits were to become part of the public record maintained by the Board. Affidavits complying with the order were the basis for the Board's certification to the FCC.

The proposed rule seeks to implement the previously described certification process as a Board rule and establish filing requirements for carriers who wish to continue to receive federal high-cost universal service support.

Pursuant to Iowa Code sections 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed rule. The statement must be filed on or before January 29, 2002, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

If requested, pursuant to Iowa Code section 17A.4(1)"b" or on its own motion after reviewing the statements, the Board will determine whether an opportunity for oral presentation should be provided.

The proposed rule is intended to implement Iowa Code sections 476.102 and 47 U.S.C. § 254(e).

Amend rule 199-22.2 by adding the following **new** subrule:

199-22.2(7)(476) Universal service certification application.

a. Certification to be filed with the board. Any carrier desiring to continue to receive federal high-cost universal service support shall file an original and two copies of an affidavit with the board and one copy to the consumer advocate division of the department of justice, no later than September 10 of each year.

b. Content of certification. Each affidavit shall be titled "Certification of [Company Name]." The company name shall be the same name shown on the carrier's tariff as filed with the board. The affidavit shall include the study area code (SAC) number associated with the company. The affidavit shall be sworn and notarized, and shall be executed by an authorized corporate officer. The affidavit shall certify that the carrier will use the support the carrier receives pursuant to 47 C.F.R. §§ 54.301, 54.305, and/or 54.307, and/or part 36, subpart F, of the FCC's regulations, or successor regulations concerning high-cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

c. Certifications subject to complaint or investigation. Any certification filed by a carrier shall be subject to complaint and/or investigation by the Board.

Exhibit A

CERTIFICATION OF [COMPANY NAME]

STATE OF IOWA

COUNTY OF _____

I, [authorized corporate officer], [office], [company name], being of lawful age and duly sworn, depose and state:

[Company Name], [SAC number], will use the support [Company Name] received pursuant to 47 C.F.R. §§54.301, 54.305, and/or 54.307, and/or Part 36, subpart F, of the FCC's regulations or successor regulations concerning high-

cost universal service support, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

I further state that I am authorized by [company name] to make this statement.

[authorized officer]

Subscribed and sworn to before me this _____ day of _____,

Notary Public

December 12, 2001

/s/ Diane Munns

Diane Munns
Chairman